UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA, Plaintiff-Appellee,	District Court No. 21-cr-00597-JB
v.	Court of Appeals No. 22-2080
SEVERANO CEBALLOS MARTINEZ, Defendant-Appellant.	(if known)

NOTE: THIS DESIGNATION FORM MUST BE COMPLETED AND FILED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THE FORM.

Those original papers which have been designated by circling their respective docket numbers (or dates of entry) on the attached copy of the district court's docket sheets should be included in the record on appeal prepared by the clerk of the district court and transmitted to the clerk of the court of appeals. (If the district court clerk so elects, original papers may be retained in the district court and copies thereof may be included in the record on appeal.)

The following items should also be included in the record on appeal. (Portions of transcripts should be designated by hearing dates and page numbers.)

1.	Transcript of Preliminary/Detention Hearing held on April 13, 2021
2.	Transcript of Arraignment Hearing held on May 6, 2021
3.	Transcript of Plea Hearing held on November 3, 2021
4.	Transcript of Sentencing Hearing held on May 12, 2022
5.	(A44-1-114:1-1-4-:6
	(Attach additional sheets if necessary)
	Signature: /s/ Alejandro B. Fernandez
	Counsel for Severano Ceballos Martinez, Appellant

I hereby certify that a copy of this designation, with docket sheets attached, was served on opposing counsel and filed with the clerk of the court of appeals on September 27, 2022.

Signature: /s/ Alejandro B. Fernandez

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APPEAL, FILING FEEDUE, INT-SPA

U.S. District Court United States District Court - District of New Mexico (Albuquerque) CRIMINAL DOCKET FOR CASE #: 1:21-cr-00597-JB-1

Case title: USA v. Martinez Date Filed: 04/23/2021

Magistrate judge case number: 1:21-mj-00456-SCY

Date Terminated: 05/12/2022

Assigned to: District Judge James O.

Browning

Appeals court case number: 22-2080

USCA Tenth Circuit

Defendant (1)

Severano Ceballos Martinez *TERMINATED: 05/12/2022*

represented by Alejandro Benito Fernandez

Federal Public Defender District of New Mexico 111 Lomas Blvd., N.W.

Suite 501

Albuquerque, NM 87102

505-346-2489 Fax: 505-346-2494

Email: alejandro fernandez@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Timothy M. Padilla

Timothy M Padilla & Associates 1412 Lomas Blvd., NW Albuquerque, NM 87104

505-842-0392

Fax: 505-842-0686

Email: timmpadilla@gmail.com TERMINATED: 08/29/2022

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

21:841(a)(1) and (b)(1)(A): Possession with Intent to Distribute 500 Grams and More of a Mixture and Substance

Disposition

SENTENCE IMPOSED: BOP 210 months; 5 years supervised release (if deported, term shall be unsupervised); ICE

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Containing Methamphetamine (1)

to begin with removal proceedings during service of sentence; SPA \$100; deft in custody.

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841(a)(1) and (b)(1)(B): Possession with Intent to Distribute 40 Grams and More of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) (2)

Disposition

Dismissed

Highest Offense Level (Terminated)

Felony

Complaints

21:841(a)(1) and (b)(1)(A):
Manufacturing, Distributing, Dispensing or
Possessing with Intent to Manufacture,
Distribute, or Dispense Controlled
Substances, to wit, 500 Grams and More of
a Mixture and Substance Containing
Detectable Amount of Methamphetamine

Disposition

Plaintiff

USA

represented by Samuel A. Hurtado

United States Attorney's Office-District of

NM

Post Office Box 607 Albuquerque, NM 87103

505-346-7274 Fax: 505-346-7296

Email: Samuel.A.Hurtado@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Date Filed	#	Docket Text	
04/08/2021		COMPLAINT as to Severano Ceballos Martinez (1). (nm) [1:21-mj-00456-SCY] (Entered: 04/08/2021)	
04/08/2021		Arrest of Severano Ceballos Martinez. (eh) [1:21-mj-00456-SCY] (Entered: 04/08/2021)	

04/08/2021		Case unsealed as to Severano Ceballos Martinez. (eh) [1:21-mj-00456-SCY] (Entered: 04/08/2021)	
		NOTICE OF HEARING WITH VIDEO STREAMING as to Severano Ceballos Martinez: Initial Appearance set for 4/9/2021 at 09:30 AM in Albuquerque - 440 Hondo Courtroom - Remote before Magistrate Judge Steven C. Yarbrough. (eh)	
		NOTE:	
		1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record.	
		2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues.	
		3. To ensure the record is of the best quality participants are encouraged to utilize a headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking.	
		*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***	
		This hearing will be available for remote viewing by video stream. Please visit the Court's website at www.nmd.uscourts.gov for information and instructions to connect.	
		[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:21-mj-00456-SCY] (Entered: 04/08/2021)	
04/09/2021	4	Clerk's Minutes before Magistrate Judge Steven C. Yarbrough: Initial Appearance as to Severano Ceballos Martinez held (Recording Info: Liberty-Hondo) (Interpreter: H. Orive) (kd) [1:21-mj-00456-SCY] (Entered: 04/09/2021)	
04/09/2021	Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do s a timely manner may result in consequences, including but not limited to, exclusion evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by Magistrate Judge Steven C. Yarbrough (kd) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:21-mj-0045 SCY] (Entered: 04/09/2021)		
04/09/2021	<u>6</u>	WAIVER of Personal Presence at Hearing by Severano Ceballos Martinez. (eh) [1:21-mj-00456-SCY] (Entered: 04/09/2021)	
04/09/2021	7	ORAL ORDER of Temporary Detention pending hearing as to Severano Ceballos Martinez by Magistrate Judge Steven C. Yarbrough (kd) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:21-mj-00456-SCY] (Entered: 04/09/2021)	

04/09/2021	8	NOTICE OF HEARING WITH VIDEO STREAMING as to Severano Ceballos Martinez: Preliminary/Detention Hearing set for 4/13/2021 at 09:30 AM in Albuquerque - 440 Hondo Courtroom - Remote before Magistrate Judge Steven C. Yarbrough. (kd)	
		NOTE:	
		1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record.	
		2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues.	
		3. To ensure the record is of the best quality participants are encouraged to utilize a headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking.	
		*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***	
		This hearing will be available for remote viewing by video stream. Please visit the Court's website at www.nmd.uscourts.gov for information and instructions to connect.	
		[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:21-mj-00456-SCY] (Entered: 04/09/2021)	
04/12/2021		U.S. Probation and Pretrial Services added as interested party.(Day, Sandra) [1:21-mj-00456-SCY] (Entered: 04/12/2021)	
04/12/2021	9	PRETRIAL SERVICES REPORT as to Severano Ceballos Martinez (Day, Sandra) [1:21-mj-00456-SCY] (Entered: 04/12/2021)	
04/12/2021	10	NOTICE OF ATTORNEY APPEARANCE: Timothy M. Padilla appearing for Severano Ceballos Martinez (Padilla, Timothy) [1:21-mj-00456-SCY] (Entered: 04/12/2021)	
04/12/2021		Attorney update in case as to Severano Ceballos Martinez. Attorney Timothy M. Padilla for Severano Ceballos Martinez added. (eh) [1:21-mj-00456-SCY] (Entered: 04/12/2021)	
04/13/2021	11	Clerk's Minutes before Magistrate Judge Steven C. Yarbrough: Preliminary/Detention Hearing as to Severano Ceballos Martinez held (Recording Info: Liberty-Hondo) (Interpreter: H. Orive) (kd) [1:21-mj-00456-SCY] (Entered: 04/13/2021)	
04/13/2021	12	WAIVER of Personal Presence at Hearing by Severano Ceballos Martinez (nm) [1:21-mj-00456-SCY] (Entered: 04/13/2021)	
04/13/2021	<u>13</u>	ORDER OF DETENTION as to Severano Ceballos Martinez by Magistrate Judge Steven C. Yarbrough (kd) [1:21-mj-00456-SCY] (Entered: 04/13/2021)	

04/23/2021	<u>15</u>	REDACTED INDICTMENT as to Severano Ceballos Martinez. (khs) (Entered: 04/28/2021)
04/23/2021		Judge update in case as to Severano Ceballos Martinez. District Judge James O. Browning added. (khs) (Entered: 04/28/2021)
Martinez: Arraignment set for 5/6/2021 at 09:3		NOTICE OF HEARING WITH VIDEO STREAMING as to Severano Ceballos Martinez: Arraignment set for 5/6/2021 at 09:30 AM in Remote via Zoom before Magistrate Judge John F. Robbenhaar. [Interpreter Needed](khs) NOTE:
		1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record.
		2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues.
		3. To ensure the record is of the best quality participants are encouraged to utilize a headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking.
		*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***
		This hearing will be available for remote viewing by video stream. Please visit the Court's website at www.nmd.uscourts.gov for information and instructions to connect.
		[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 04/28/2021)
05/06/2021	<u>17</u>	WAIVER of Personal Presence at Hearing by Severano Ceballos Martinez (khs) (Entered: 05/07/2021)
05/06/2021	<u>18</u>	Clerk's Minutes for proceedings held before Magistrate Judge John F. Robbenhaar: Arraignment as to Severano Ceballos Martinez (1) Count 1,2 held; defendant detained. (Recording Info: ABQ Zoom) (Interpreter: H. Orive)
		Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. (khs) (Entered: 05/07/2021)
05/06/2021	<u>19</u>	DISCOVERY ORDER as to Severano Ceballos Martinez by Magistrate Judge John F. Robbenhaar (khs) (Entered: 05/10/2021)

05/26/2021	<u>20</u>	Unopposed MOTION to Extend (other) <i>Deadline to File Motions</i> by Severano Ceballos Martinez. (Padilla, Timothy) (Entered: 05/26/2021)		
06/24/2021	21	NOTICE OF HEARING as to Severano Ceballos Martinez: Jury Selection/Trial set for 6/28/2021 at 09:00 AM in Albuquerque - 460 Vermejo Courtroom before District Judge James O. Browning. (vv) (Entered: 06/24/2021)		
06/25/2021	22	First MOTION to Continue <i>trial setting</i> by Severano Ceballos Martinez. (Padilla, Timothy) (Entered: 06/25/2021)		
08/12/2021		U.S. Probation and Pretrial Services added as interested party.(Avrit, Krystle) (Entered: 08/12/2021)		
09/13/2021	23	ORDER by District Judge James O. Browning granting <u>22</u> First MOTION to Extend The Deadline for <i>trial setting and motions</i> filed by Severano Ceballos Martinez; motion deadline is 9/20/21; Jury Selection/Trial reset for 10/4/2021 at 09:00 AM in Albuquerque - 460 Vermejo Courtroom before District Judge James O. Browning. (bap) (Entered: 09/15/2021)		
09/29/2021	24	Unopposed MOTION to Continue <i>Trial and Extend Plea Deadline</i> by Severano Ceballos Martinez. (Padilla, Timothy) (Entered: 09/29/2021)		
10/12/2021	<u>25</u>	ORDER TO CONTINUE by District Judge James O. Browning granting <u>24</u> Unopposed MOTION to Continue <i>Trial and Extend Plea Deadline</i> filed by Severano Ceballos Martinez. Jury Selection/Trial reset for 10/25/2021 at 09:00 AM in Albuquerque - 460 Vermejo Courtroom before District Judge James O. Browning. (meq) (Entered: 10/12/2021)		
10/14/2021	<u>26</u>	NOTICE of Intent to Offer Expert Testimony by USA as to Severano Ceballos Martinez (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Hurtado, Samuel) (Entered: 10/14/2021)		
10/15/2021	27	Proposed Voir Dire by USA as to Severano Ceballos Martinez (Hurtado, Samuel) (Entered: 10/15/2021)		
10/19/2021	28	Proposed Jury Instructions by USA as to Severano Ceballos Martinez (Hurtado, Samuel) (Entered: 10/19/2021)		
10/22/2021	<u>29</u>	Unopposed MOTION to Continue <i>Trial and Extend Plea Deadline</i> by Severano Ceballos Martinez. (Padilla, Timothy) (Entered: 10/22/2021)		
10/25/2021	30	NOTICE OF HEARING WITH VIDEO STREAMING as to Severano Ceballos Martinez: Change of Plea Hearing set for 11/3/2021 at 9:30 AM in Albuquerque - 440 Hondo Courtroom - Remote before Magistrate Judge Laura Fashing. [Interpreter Needed](nm) NOTE:		
		1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record.		
		2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues.		
		3. To ensure the record is of the best quality participants are encouraged to utilize a		

03/07/2022	40	ORDER by District Judge James O. Browning granting 39 Motion to Continue as to Severano Ceballos Martinez (1); Sentencing reset for 5/12/2022 at 09:00 AM in Albuquerque - 460 Vermejo Courtroom before District Judge James O. Browning. (bap) (Entered: 03/07/2022)	
02/23/2022	<u>39</u>	Unopposed MOTION to Continue <i>Sentencing</i> by Severano Ceballos Martinez. (Padilla, Timothy) (Entered: 02/23/2022)	
02/16/2022	38	NOTICE of Sentencing set for 3/1/2022 at 10:30 AM in Albuquerque - 460 Vermejo Courtroom before District Judge James O. Browning. [<i>Interpreter Needed</i>] (lr) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 02/16/2022)	
12/22/2021	٣	Related Documents: 34 Plea Agreement (Rosiles, Cesar) (Entered: 12/22/2021)	
12/22/2021	36	U.S. Probation and Pretrial Services added as interested party.(Rosiles, Cesar) (Entered: 12/22/2021) PRESENTENCE INVESTIGATION REPORT as to Severano Ceballos Martinez	
11/03/2021	35	Clerk's Minutes for proceedings held before Magistrate Judge Laura Fashing: Plea Hearing as to Severano Ceballos Martinez held on 11/3/2021; Guilty Plea entered by Severano Ceballos Martinez as to the Indictment. (Recording Info: Hondo - Remote) (Interpreter: M. Gonzalez-Hibner) (nm) (Entered: 11/03/2021)	
11/03/2021	<u>34</u>	PLEA AGREEMENT as to Severano Ceballos Martinez (bap) (Entered: 11/03/2021)	
11/03/2021	<u>33</u>	CONSENT TO PLEA BEFORE US MAGISTRATE JUDGE by Severano Ceballos Martinez (bap) (Entered: 11/03/2021)	
11/03/2021	<u>32</u>	WAIVER of Personal Presence at Hearing by Severano Ceballos Martinez (bap) (Entered: 11/03/2021)	
10/28/2021	31	ORDER TO CONTINUE by District Judge James O. Browning granting <u>29</u> Unopposed MOTION to Continue <i>Trial and Extend Plea Deadline</i> filed by Severano Ceballos Martinez; Jury Selection/Trial reset for 11/8/2021 at 09:00 AM in Albuquerque - 460 Vermejo Courtroom before District Judge James O. Browning. (bap) (Entered: 11/01/2021)	
		[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 10/25/2021)	
		This hearing will be available for remote viewing by video stream. Please visit the Court's website at www.nmd.uscourts.gov for information and instructions to connect.	
		*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***	
		headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking.	

02/25/2022			
03/25/2022	First MOTION for Downward Departure <i>From Criminal History Category</i> by Severano Ceballos Martinez. (Padilla, Timothy) (Entered: 03/25/2022)		
03/28/2022	SENTENCING MEMORANDUM by USA as to Severano Ceballos Martinez (Hurtado, Samuel) (Entered: 03/28/2022)		
04/06/2022	ADDENDUM TO PRESENTENCE INVESTIGATION REPORT as to Severano Ceballos Martinez		
	Related Documents: <u>36</u> PSR - Presentence Report (Rosiles, Cesar) (Entered: 04/06/2022)		
05/12/2022	UNOPPOSED MOTION for Downward Adjustment by USA as to Severano Ceballos Martinez. (bap) (Entered: 05/18/2022)		
05/12/2022	ORDER by District Judge James O. Browning granting 44 Unopposed Motion for Downward Adjustment as to Severano Ceballos Martinez (1) (bap) (Entered: 05/18/2022)		
05/12/2022	Clerk's Minutes for proceedings held before District Judge James O. Browning: Sentencing held on 5/12/2022 for Severano Ceballos Martinez (1), Count(s) 1, SENTENCE IMPOSED: BOP 210 months; 5 years supervised release (if deported, term shall be unsupervised); ICE to begin with removal proceedings during service of sentence; SPA \$100; deft in custody. (Court Reporter: J. Bean) (Interpreter: Humberto Orive) (Attachments: # 1 Exhibit A) (bap) (Entered: 05/31/2022)		
06/06/2022	MOTION to Dismiss Count 2 of Indictment by USA as to Severano Ceballos Martinez. (arp) (Entered: 06/08/2022)		
06/08/2022	ORDER by District Judge James O. Browning granting <u>47</u> Motion to Dismiss as to Severano Ceballos Martinez (1). (arp) (Entered: 06/08/2022)		
06/27/2022	JUDGMENT by District Judge James O. Browning as to Defendant Severano Ceballos Martinez. (lr) (Entered: 06/27/2022)		
07/11/2022	**FILED IN ERROR** NOTICE OF APPEAL by Severano Ceballos Martinez re 49 Judgment (Filing Fee - Online Payment) (Padilla, Timothy) Modified on 7/12/2022 (arp). (Entered: 07/11/2022)		
07/12/2022	NOTICE OF APPEAL by Severano Ceballos Martinez re <u>49</u> Judgment (Filing Fee - Online Payment) (Padilla, Timothy) (Entered: 07/12/2022)		
07/12/2022	Transmission of Preliminary Record as to Severano Ceballos Martinez to US Court of Appeals re <u>51</u> Notice of Appeal - Final Judgment (Attachments: # <u>1</u> Docket Sheet, # <u>2</u> Preliminary Record)(arp) (Entered: 07/12/2022)		
07/13/2022	AMENDED JUDGMENT by District Judge James O. Browning as to Severano Ceballos Martinez (arp) (Entered: 07/13/2022)		
07/13/2022	USCA Information Letter with Case Number as to Severano Ceballos Martinez 22-2080 for 51 Notice of Appeal - Final Judgment filed by Severano Ceballos Martinez. (arp) (Entered: 07/13/2022)		
07/27/2022	TRANSCRIPT of PLEA HEARING as to Severano Ceballos Martinez held on November 3, 2021, before Magistrate Judge Laura Fashing. Court Reporter/Transcriber Exceptional Reporting Services, Inc., Telephone number 361-949-2988. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court		

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		Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.		
		PLEASE TAKE NOTICE that each party now has seven (7) calendar days to file a Notice of Intent to Request Redaction of any personal identifiers from this transcript. If no notice is filed during this sevenday period, the court will assume that redaction of personal data is not necessary and will make the transcript electronically available, as is, to the public after 90 days. For additional guidance, PLEASE REVIEW the complete policy, located in the CM/ECF Administrative Procedures Manual at https://www.nmd.uscourts.gov.		
		Notice of Intent to Request Redaction set for 8/3/2022. Redaction Request due 8/17/2022. Redacted Transcript Deadline set for 8/29/2022. Release of Transcript Restriction set for 10/25/2022.(dxz) (Entered: 07/27/2022)		
08/05/2022	<u>56</u>	MOTION to Withdraw as Attorney by Severano Ceballos Martinez. (Padilla, Timothy) Modified title on 8/8/2022 (bap). (Entered: 08/05/2022)		
08/16/2022	<u>57</u>	ORDER OF USCA as to Severano Ceballos Martinez re <u>51</u> Notice of Appeal - Final Judgment. Retained counsel for Appellant Sverano Ceballos Martinez was stricken. (arp) (Entered: 08/16/2022)		
08/16/2022	<u>58</u>	ORDER OF USCA as to Severano Ceballos Martinez re <u>51</u> Notice of Appeal - Final Judgment. Timothy M. Padilla is STRICKEN as counsel of record in this matter. (arp) (Entered: 08/16/2022)		
08/19/2022	<u>59</u>	MOTION for Order <i>for Determinnation of Financial Eligibility for Appointment of Counsel</i> by Severano Ceballos Martinez. (Attachments: # 1 Supplement 10th Cir. Order of ltd. rep.)(Fernandez, Alejandro) (Entered: 08/19/2022)		
08/29/2022	<u>60</u>	ORDER by District Judge James O. Browning granting <u>59</u> Motion for Order as to Severano Ceballos Martinez (1) (arp) (Entered: 09/02/2022)		
08/29/2022		Attorney update in case as to Severano Ceballos Martinez. Attorney Alejandro Benito Fernandez for Severano Ceballos Martinez added. Attorney Timothy M. Padilla terminated. (arp) (Entered: 09/06/2022)		
09/08/2022	<u>61</u>	ORDER OF USCA as to Severano Ceballos Martinez re <u>51</u> Notice of Appeal - Final Judgment (arp) (Entered: 09/08/2022)		

PACER Service Center			
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09/26/2022 15:11:59			
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9/26/2022, 3:12 PM